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Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ADP-00 OIC-04 DOTE-00 SY-10 USSS-00

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P 231424 Z MAY 73
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 3305

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FROM USREP ICAO

E. O. 11652: N/ A
TAGS: ETRN, CA
SUBJ: ICAO - EXTRAORDINARY ASSEMBLY/ DIPLOMATIC CONFERENCE ON ENFORCEMENT CONVENTION

UK AND FRANCE REPS ON COUNCIL JUST HANDED FOLLOWING TEXT TO USREP ON " PERSONAL" BASIS. IT HAS BEEN FILED WITH ICAO SECRETARIAT AS ADVANCE DOCUMENTATION FOR ROME MEETINGS, AND WILL BE CIRCULATED IN ABOUT WEEK. THEY ASKED THAT NO REPEAT NO REPRESENTATIONS BE MADE IN CAPITALS UNTIL A) THEIR GOVERNMENTS HAVE MADE WHATEVER DIPLOMATIC REPRESENTATIONS THEY WISH TO MAKE TO U. S. EMBASSIES, AND B) ICAO MEMBER STATES HAVE HAD TIME TO RECEIVE DOCUMENT FROM ICAO. US REP REQUESTS THAT A) BE OBSERVED IN INTEREST PRESERVING CONFIDENCE OF ICAO COLLEAGUES.

TEXT FOLLOWS:

QUOTE ASSEMBLY - TWENTIETH SESSION (EXTRAORDINARY)

AGENDA ITEM 1: CONSIDERATION OF PROPOSALS FOR THE AMENDMENT OF THE CHICAGO CONVENTION PRESENTED BY FRANCE, SWITZERLAND AND THE
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UNITED KINGDOM

1. AT THE MEETING OF THE LEGAL COMMITTEE OF ICAO IN JANUARY 1973, FRANCE ON THE ONE HAND, AND SWITZERLAND AND THE UNITED KINGDOM ON THE OTHER, PRESENTED SEPARATE PROPOSALS FOR AMENDMENT OF THE CHICAGO CONVENTION TO PROVIDE FOR POSSIBLE MEASURES TO BE TAKEN VIS- A- VIS STATES IN THE CASES CONTEMPLATED IN THE COUNCIL RESOLUTION OF 19 JUNE 1972. THESE PROPOSALS WERE BOTH REMITTED BY THAT COMMITTEE TO THE CONSIDERATION OF AN EXTRAORDINARY ASSEMBLY OF ICAO. WHILE WISHING TO RETAIN THEIR PROPOSALS BEFORE THE ASSEMBLY, THE THREE STATES WISH TO DRAW ATTENTION TO POINTS WHICH ARE COMMON TO THEIR PROPOSALS.

2. FRANCE, SWITZERLAND AND THE UK ARE AWARE THAT SUBSTANTIAL INTERNATIONAL AGREEMENT IS NECESSARY FOR ANY MEASURES TO BE EFFECTIVE. THE PROBLEMS OF HIJACKING AND SABOTAGE CAN ONLY BE DEALT WITH BY UNITED ACTION ON THE PART OF THE INTERNATIONAL COMMUNITY. IT WOULD BE UNDESIRABLE FOR SUCH ACTION TO BE TAKEN VIS- A- VIS ANY STATE BY A GROUP OF STATES WHICH MIGHT BE UNREPRESENTATIVE OF THE INTERNATIONAL COMMUNITY AS A WHOLE. THE INTERNATIONAL CIVIL AVIATION ORGANIZATION IS, IN THE VIEW OF THE THREE GOVERNMENTS, THE APPROPRIATE FORUM THROUGH WHICH THE VIEWS OF THE INTERNATIONAL COMMUNITY CAN BE EXPRESSED.

3. FRANCE, SWITZERLAND AND THE UNITED KINGDOM CONSIDER THAT, IN THE LIGHT OF THE DECISIONS OF THE LEGAL COMMITTEE AND BECAUSE OF THE NEED FOR WIDESPREAD INTERNATIONAL AGREEMENT, AN AMENDMENT TO THE CHICAGO CONVENTION IS THE ONLY PRACTICABLE WAY OF SECURING MORE EFFECTIVE APPLICATION OF MEASURES TO SECURE THE SAFETY OF CIVIL AVIATION. THE THREE GOVERNMENTS NOTE THAT THE CHICAGO CONVENTION REQUIRES THAT AT LEAST TWO- THIRDS OF THE MEMBER STATES OF THE ORGANIZATION
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FROM USREP ICAO

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TAGS: ETRN, CA
SUBJ: ICAO - EXTRAORDINARY ASSEMBLY/ DIPLOMATIC CONFERENCE ON
ENFORCEMENT CONVENTION

7. ACCORDINGLY, THE PROPOSALS IN THE ATTACHMENT TO THIS PAPER ARE PUT FORWARD JOINTLY BY FRANCE, SWITZERLAND AND THE UNITED KINGDOM AS AMENDMENTS TO THE PROPOSALS IN DOC 9049 ANNEXES 2 AND 3.

ATTACHMENT

DRAFT PROTOCOL OF AMENDMENT TO THE CHICAGO CONVENTION
ON INTERNATIONAL CIVIL AVIATION

THE ASSEMBLY OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION HAVING MET AT ROME ON 28 AUGUST 1973,

CONSIDERING THAT, BY BECOMING PARTIES TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND MEMBERS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, CONTRACTING STATES HAVE PLEDGED
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THEIR SUPPORT FOR THE SAFE AND ORDERLY CONDUCT OF INTERNATIONAL CIVIL AVIATION;

CONSIDERING THAT UNLAWFUL ACTS WHICH JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY AND SERIOUSLY AFFECT THE OPERATION OF AIR SERVICES, UNDERMINE THE CONFIDENCE OF THE PEOPLES OF THE WORLD IN THE SAFETY OF CIVIL AVIATION;

CONSIDERING THAT IT IS DESIRABLE TO ENSURE A MORE GENERAL APPLICATION OF THE PROVISIONS OF CONVENTIONS DEALING WITH UNLAWFUL ACTS AGAINST THE SAFETY OF INTERNATIONAL CIVIL AVIATION BY INCORPORATING THEM INTO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION DONE AT CHICAGO ON 7 DECEMBER 1944;

HAS APPROVED ON 1973, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 94(A) OF THE CONVENTION AFORESAID, THE FOLLOWING PROPOSED AMENDMENT OF THE SAID CONVENTION:

CHAPTER XVII ENTITLED " MEASURES TO SECURE THE SAFETY OF INTERNATIONAL CIVIL AVIATION" SHALL BE ADDED TO THE THIRD PART OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, READING AS FOLLOWS:

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ARTICLE 80

EACH CONTRACTING STATE SHALL TAKE IN ITS TERRITORY, IN ACCORDANCE WITH ITS OWN LAW, ALL APPROPRIATE MEASURES TO SECURE THE SAFETY OF INTERNATIONAL CIVIL AVIATION.

ARTICLE 81

WHEN, DUE TO THE COMMISSION OF AN ACT OF UNLAWFUL SEIZURE OF AIRCRAFT OR OF AN UNLAWFUL ACT AGAINST THE SAFETY OF CIVIL AVIATION, A FLIGHT HAS TEN DELAYED OR INTERRUPTED, ANY CONTRACTING STATE IN WHICH THE AIRCRAFT OR ITS PASSENGERS OR CREW ARE PRESENT SHALL FACILITATE THE CONTINUATION OF THE JOURNEY OF THE PASSENGERS AND CREW AS SOON AS PRACTICABLE, AND SHALL WITHOUT DELAY RETURN THE AIRCRAFT AND ITS CARGO TO THE PERSONS LAWFULLY ENTITLED TO POSSESSION.

ARTICLE 82

WHEN TWO- THIRDS OF THE TOTAL NUMBER OF CONTRACTING STATES TO THIS CONVENTION HAVE BECOME PARTIES TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, SIGNED AT THE HAGUE ON 16 DECEMBER 1970, ARTICLES 1 TO 11 OF THAT CONVENTION SHALL FORM AN INTEGRAL PART OF THIS CONVENTION.

ARTICLE 83

WHEN TWO- THIRDS OF THE TOTAL NUMBER OF CONTRACTING STATES TO THIS CONVENTION HAVE BECOME PARTIES TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION SIGNED AT MONTREAL ON 23 SEPTEMBER 1971, ARTICLES 1 TO 13 OF THAT CONVENTION SHALL FORM AN INTEGRAL PART OF THIS CONVENTION.
UNQUOTE.
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